



14th August 2019.

The Pensions Ombudsman
Mr.A.Arter
10 South Colonnade,
Canary Wharf
London
E14 4PU.

**1998 Data Protection Act(As amended) .
Section 7- Subject Access Request.**

Dear Mr.Arter,

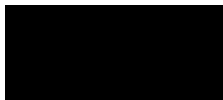
1. I must apologise to your Mr. Burnett for prompting him to reply with the results of his investigation into my Service Delivery complaints when he had already done so on the 12th July 2019.

Our iPad is registered in my wife [REDACTED]'s name, and I have until fairly recently, used her email address for my purposes. I registered my own email address shortly before I wrote to him and then promptly forgot I had done so.

When I read Mr. Burnett's email it motivated me to search and locate his report under my own new email address – I thank him for his patience and I wish him luck with his new appointment.

2. I am grateful to Mr. Burnett for bringing up the subject of evidence on Page 3 of his report where he complains of my lack of 'evidence' but which, as you might expect, I worked on the reasonable assumption he already had this in his possession on DWP/TPO's database.
For example, that was one of the reasons I persistently sought copies of the LFRS response to TPO which, contrary to your policy on such matters, I still do not have in my possession?
3. Another subject which puzzles me is his reluctance to examine Ms.Nicol's Service Delivery role in the case handling of my Pension Complaint, aside from others, with its unexplained, unaccounted for, and inordinate delays which you surely must agree is key 'evidence' of Service Delivery failure for which she is responsible?
4. However, all this 'evidence' your Mr. Burnett refers to constitutes my 'subject data' as defined within the 1998 Data Protection Act (as amended) to which I am legally entitled and therefore I request it in accordance with the Section 7 Subject Access Request.
5. For the details of the Formal Request – See Appendix 'A'.

6. I enclose the Statutory fee of £10.00(ten pounds), a cheque, with my Request which is delivered to you by Recorded Delivery; an acknowledgement and a receipt by return would be helpful.
7. You have the Statutory 40(forty) days in which to acknowledge service and to respond, though the Information Commissioner in a public comment has made it plain that it is *her expectation* that such simple requests will be expedited long before this time frame expires.
8. For the sake of DPA 'Subject Data Request' identification I attach a copy of the relevant part my current Passport which you may wish to retain on file.
9. When I have all this data to hand I will as you might expect review Mr. Burnett's investigation, his performance during this investigation, and his conclusions which may generate further 'Subject Data' requests.



Yours Sincerely,

F. M. G. [REDACTED] MIFireE.
Asst Divisional Fire Officer(Rtd)

CC.
Information Commissioners Office.

Appendix 'A'.

The Pension Ombudsman and their agents shall within 40 days of this service, *inter alia*, deliver up to me relevant copies of *all* records – 'my subject data'- in their possession, power, custody, or control ***relating, and/or alluding, directly or indirectly to me, and my pension(s).***

My Subject Data:

- *All minutes, contemporaneous notes, and communications of all relevant documents* whether political, quasi-legal, or administrative, relevant to me and/or my Pension Complaint in which I am alluded or referred to;

TPO

- *All* relevant reports and emails sent and received;
- *All* relevant internal bilateral communications with the LCC/LFRS/LCFA;
- *All* relevant internal bilateral communications within the Ombudsman office or precincts;
- *All* relevant bilateral communications with the Members of the Parliamentary Works and Pensions Select Committee and/or their delegated staff;
- *All* relevant bilateral communications with Minister(s) and delegated staff at the DWP, or other Ministries, or agencies;
- *All* relevant instructions issued by the Ombudsmen, in particular by the Director of Case handling Ms.F.Nicol, to internal staff for internal and external communication;
- *All* relevant communications with TPO contracting legal service agencies with exception of identified and agreed privileged legal advice.

LCFA/LFRS/LCC:

- *All* relevant reports/documentation, vox communication with, and/or contemporaneous notes generated as a consequence of all communications received by The Pension Ombudsman from, or issued to, the LCFA/LFRS/LCC;
- *All* relevant bilateral internal communications within the LCFA/LFRS/LCC and *its* departments and individuals staff members *submitted to* The Pension Ombudsman(2) in the light of a current standing 'Subject Data Request' to LCFA/LFRS/LCC;

Without prejudice to the generality of the above *all* relevant pension complaint records(or copies) and a full written summary of all such records held on, or alluding to, me.

NB.01:

'Communications'.

For the purposes of this Request 'communications' is defined in its broadest sense but which may include correspondence; telephone conversations - text messages; emails; contemporaneous notes; Meetings-Minutes; reports; and recordings of vox conversations whether by electronic means or otherwise. The foregoing examples are not meant to be exhaustive, nor exclusive; 'All', as defined in the OED.

NB.02:

1998 Data Protection Act - Section 27 Preliminary:

(5) Except as provided by this Part, the subject information provisions shall have effect notwithstanding any enactment or rule of law prohibiting or restricting the disclosure, or authorising the withholding, of information.

NB.03:

1998 Data Protection Act - Section 35 Disclosures Required by law or made in connection with legal proceedings etc:

- (1) Personal data are exempt from the non-disclosure provisions where the disclosure is required by or under any enactment, by any rule of law or by the order of a court.

- (2) Personal data are exempt from the non-disclosure provisions where the disclosure is necessary—
 - (a) for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), or
 - (b) or for the purpose of obtaining legal advice, or

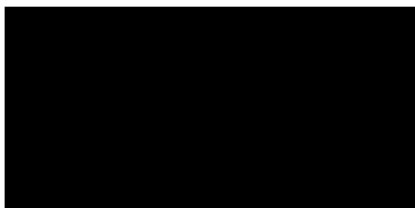
or is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

NB.04:

1998 Data Protection Act - Section 61 - Liability of Directors etc

Sub Section 1, of the DPA establishes corporate liability thus:

- (1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary, or similar 'officer' of the body corporate, or any person who was purporting to act in any such capacity, (s)he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.



13/08/2019

13/08/2019

13/08/2019

Date: 13th August 2019

Ref:

Dear F M G [REDACTED]

Thank you for contacting the Information Commissioner's Office. We confirm that we have received your correspondence.

If you have asked us for advice - we will respond within 14 days. While you wait, you should regularly check our website (www.ico.org.uk) for relevant guidance, as we are updating this all the time. You should also read our 'GDPR myth busting blogs'. If you have raised a question that we have answered on our website, we may respond by sending you a link to it. But we will do our best to provide you with the information you need.

If you have made a new complaint - we're unlikely to look into it unless you have raised it with the responsible organisation (for a data protection complaint) or the responsible public authority (for a freedom of information complaint) first. Please make sure you have sent us a copy of their final response to you. We will assign your complaint to a case officer as soon as we can, and they will contact you in due course.

If your correspondence relates to an existing case - we will add it to your case and consider it on allocation to a case officer. If you believe we have either failed to take appropriate steps to respond to your data protection complaint, or we do not provide you with information about the progress or outcome of your complaint within the next three months, you may be able to apply to the First-tier Tribunal to require us to respond to your complaint or to provide you with information about its progress. (www.gov.uk - information rights and data protection: appeal against the Information Commissioner)



Mixed Sources
Product Group Forest Management
Sustainable, controlled and responsible
www.fsc.org/certification

If you represent an organisation and you are reporting a personal data breach under the GDPR or the Data Protection Act 2018 - we aim to contact you within seven days to confirm receipt and to provide you with a case reference number. If you want advice urgently, you should telephone our helpline on 0303 123 1113. If we consider the incident is minor or you have indicated that you do not consider it meets the threshold for reporting, you may not receive a response from us, or we may respond by sending you a link to the relevant part of our guidance. You can find out more about data breach reporting on our website.

Where a significant cyber incident occurs, you may also need to report this to the National Cyber Security Centre (the NCSC). To help you decide, you should read the NCSC's guidance about their role and the type of incidents that you should consider reporting. (www.ncsc.gov.uk - incident-management)

Incidents that might lead to a heightened risk of individuals being affected by fraud, should be reported to Action Fraud (www.actionfraud.police.uk) - the UK's national fraud and cybercrime reporting centre. If your organisation is in Scotland, then reports should be made to Police Scotland (www.scotland.police.uk).

If you are a Communications Service Provider reporting a security breach under the Privacy and Electronic Communications Regulations – you will need to report the security breach via the secure portal that can be found on the PECR pages of our website.

If you represent an organisation and are reporting a potential incident under the NIS Directive - we will contact you as soon as we can. You can find out more about the NIS Regulations on our website.

If you represent an organisation and you are reporting a security breach within the definition of the eIDAS regulation – we will contact you as soon as we can. You can find out more about the eIDAS regulation on our website.

If you have reported spam email – we are unlikely to need to contact you again, unless we need more information to help with our investigations. We publish details about the action we've taken on nuisance messages on our website.

If you have asked for information you think we might hold - we will contact you if we need any more information to help us respond. Otherwise, we will respond within our public and statutory service levels. For more information please visit our webpage 'request information from us' (go to our homepage and follow the link for 'about the ICO' and 'our information').

If you have only copied your correspondence to us - we will not respond.

There is more detailed information, including information on our current response times, on our service standards and what to expect webpage. You can also call 0303 123 1113, we welcome calls in Welsh on 029 2067 8400. You can also contact us on live chat (please visit our webpage 'contact us' and 'live chat').

For information about what we do with personal data please see our privacy notice:<https://ico.org.uk/global/privacy-notice/>

Yours sincerely

The Information Commissioner's Office

F. M G [REDACTED] MIFireE.
[REDACTED]

19 August 2019

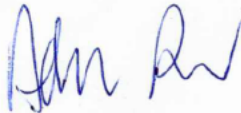
Dear Mr G [REDACTED]

Thank you for your letter of 14 August 2019 to Mr Arter which has been passed to me as the Data Protection Officer.

Your request will be processed under the General Data Protection Regulation (GDPR) and Data Protection Act 2018, and you can expect my response by 16 September 2019.

I enclose your uncashed cheque as we do not charge for Subject Access Requests. I also enclose the copy of your passport that you sent. Please note that I do not need to retain the copy of your passport and have therefore returned it without taking a further copy.

Yours sincerely,



Adam Pokun
Head of Corporate Services

020 7630 2231
adam.pokun@pensions-ombudsman.org.uk